

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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UNITED STATES OF AMERICA,

Government,

-against-

George Bermeo,

Defendant.
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ORDER

13 Cr. 531 (RMB)

Background

The Court has received a letter, dated August 28, 2019, from George Bermeo, pro se, Reg. No. 59099-004, inquiring as to whether the ruling in United States v. Davis, 139 S. Ct. 2319 (2019) has any bearing upon his period of incarceration. “I was wondering if there was anything in [Davis] that would pertain to me or to any of my issues[.]”

The Court is also in receipt of a letter from the Government, dated September 3, 2019. The Government argues that Bermeo is “not entitled to any relief” because Davis is inapplicable to Mr. Bermeo’s crime of conviction, which was conspiracy to commit Hobbs Act Robbery in violation of 18 U.S.C. § 1951(b)(1).

On March 3, 2014, Mr. Bermeo pleaded guilty to conspiracy to commit Hobbs Act Robbery. He was sentenced to a term of imprisonment of 85 months and three years of supervised release following imprisonment. Mr. Bermeo was released from custody on or about December 18, 2019. He is currently under the supervision of the United States Probation Department for the Eastern District of New York.

Analysis

In Davis, the United States Supreme Court held §924(c)(3)(B) unconstitutional for vagueness. Because Mr. Bermeo pleaded guilty to conspiracy to commit Hobbs Act Robbery, which is a violation of 18 U.S.C. §1951(b)(1), Davis does not apply. The Court finds that Mr. Bermeo is not entitled to relief under Davis.¹

Conclusion and Order

For the foregoing reasons, the Court determines that Davis does not pertain to the issues Mr. Bermeo articulated in his letter. Should Mr. Bermeo wish to pursue these matters further, the Court suggests that he contact the Southern District of New York Pro Se Office at the U.S. Courthouse at 40 Centre Street, Room 105, New York, New York 10007.

All parties and counsel, and the supervising probation officer, are directed to attend a status conference in courtroom 17B on February 12, 2020, at 12:30 p.m.

Dated: New York, New York

January 21, 2020



RICHARD M. BERMAN, U.S.D.J.

¹ Any issues or arguments not specifically addressed in this order have been considered by this Court and rejected.